

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : John Underwood
Serial No. : 09/651,907
Filed : August 30, 2000
For : METHOD AND APPARATUS FOR STORING WEB SITE
DATA BY WEB SITE DIMENSIONS AND GENERATING A
WEB SITE HAVING COMPLEMENTARY ELEMENTS
Examiner : Joshua D. Campbell
Art Unit : 2178

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a) AND
37 CFR 1.183 TO WAIVE 37 CFR 1.63 and 1.67**

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

SIR:

Applicants hereby petition for a two-month extension of time to respond to the Decision on the Petition Under 37 CFR 1.47(a) mailed on December 14, 2010, having an extended period for response set to expire on April 14, 2011. Applicants submit therewith an electronic payment in the amount of \$245.00 (small entity) as payment of the extension of time fee. The Applicant hereby petitions for reconsideration of the petition filed on October 1, 2010 (hereinafter, merely, "the Petition") to accept the previously filed Declaration under 37 C.F.R. 1.47(a) signed by Gary EVESSON on behalf of non-signing inventors John UNDERWOOD, Paul NEILSON, Hanson CHAR, David SHING, Peter HORNER, Andrew Dean, Mark UNDERWOOD, and Darren SLANEY, all who cannot be found or reached after diligent effort.

37 C.F.R. 1.47(a) provides, "If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the

fee set forth in § 1.17(g), and the last known address of the nonsigning inventor” It is respectfully submitted that requirements for such an application, as set forth in 37 C.F.R. 1.47(a) and MPEP 409.03(a), are fulfilled by entry of this paper and the Petition.

As stated in the Petition, the Examiner’s Notice of Allowability of July 2, 2010 required a substitute Declaration. Specifically, Andrew Dean did not sign the previous Declaration. Applicant has attempted to contact all inventors; however, only Gary Evesson could be reached for signature.

Pursuant to 37 CFR 1.47, the undersigned hereby states that a *bona fide* attempt to reach all the inventors has been made and diligently sought. All actions taken in such attempt were performed directly by the undersigned or were performed under the direction, supervision or control of the undersigned, in the ordinary course of business.

None of the inventors, except Gary EVESSON, have been able to be reached.

The following statement describes the actions taken that show that a diligent effort was made to locate each inventor.

Applicants have been unable to secure an executed Declaration from inventor John UNDERWOOD, whose last known address was 311 Broadway Apt 3A, New York, NY 10007, whose citizenship is Australia.

Specifically, the diligent effort to contact Mr. UNDERWOOD included:

1. A declaration and copy of the patent application as filed had been sent to John UNDERWOOD by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7287 8160. According to the label on the returned Federal Express package, attempted deliveries to John Underwood’s last known address were made on June 28, 2010, June 29, 2010 and June 30, 2010. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.
2. Applicants’ Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on

information and belief, the employee records do not include a current address and have the last known address for John Underwood of 311 Broadway Apt 3A, New York, NY 10007. Based on information and belief, there is no information regarding a living relative in the employee records for John Underwood. (His brother, Mark Underwood, who is also a co-inventor, has also not been able to be located, as described herein.) Furthermore, based on information and belief, there is no other information in the employee records that would provide any helpful information to locate John Underwood. Furthermore, based on information and belief, John Underwood was employed by a predecessor software company, Click-N-Things, to develop software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate John Underwood.

3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate John Underwood.

4. Specifically, the Peoplesmart web search provided a list of 23 “hits” for the search term “John Underwood” in New York. All of the 23 hits were reviewed and none of the information provided for any of the hits provided any additional information that would help locate John Underwood. Thus, review of the search results from the Peoplesmart website did not provide any useful information that would help locate John Underwood.

5. Specifically, the Whitepages.com web search provided a list of over 100 “hits” for the search term “John Underwood”. The first 100 hits were reviewed and none of the information provided any additional information that would help locate John Underwood.

Information evidencing the Federal Express delivery attempt was provided in the Petition filed on October 1, 2010. The Internet search results are attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Andrew DEAN, whose last known address was 250 E. 74th Street #2R, New York, NY 10021, whose citizenship is Australia.

Specifically, the effort to contact Mr. DEAN included:

1. A declaration and copy of the patent application as filed had been sent to Andrew DEAN by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 17, 2010 with tracking number 7987 6870 7199. According to the label on the returned Federal Express package, attempted deliveries to Andrew Dean’s last known address were made on June 18, 2010, June 21, 2010 and September 22, 2010. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.

2. Applicants’ Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on information and belief, the employee records do not include a current address and have the last known address for Andrew Dean of 250 E. 74th Street #2R, New York, NY 10021. Based on information and belief, there is no information regarding a living relative in the employee records for Andrew Dean. Furthermore, based on information and belief, there is no other information in the employee records that would provide any helpful information to locate Andrew Dean. Furthermore, based on information and belief, Andrew Dean was employed by a predecessor software company, Click-N-Things, to develop

software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate Andrew Dean.

3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate Andrew Dean.

4. Specifically, the Peoplesmart web search provided a list of 719 “hits” for the search term “Andrew Dean” in the U.S. All of the 719 hits were reviewed and none of the information provided for any of the hits provided any additional information that would help locate Andrew Dean. Thus, review of the search results from the Peoplesmart website did not provide any useful information that would help locate Andrew Dean.

5. Specifically, the Whitepages.com web search provided a list of 84 “hits” for the search term “Andrew Dean”. All of the 84 hits were reviewed. One search result showed an address of 310 Riverside Drive Apt 818. A letter was sent, via certified mail, to this address on March 8, 2011. The letter was returned as undeliverable unable to forward on March 12, 2011. None of the other 83 hits provided any additional information that would help locate Andrew Dean.

Information evidencing the Federal Express delivery attempt was provided in the Petition filed on October 1, 2010. The Internet search results and certified mail receipt are attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Peter HORNER, whose last known address was 99 Battery Pl., New York, NY 10280, whose citizenship is Australia.

Specifically, the effort to contact Mr. HORNER included:

1. A declaration and copy of the patent application as filed had been sent to Peter HORNER by Frommer Lawrence & Haug LLP via Federal Express priority overnight on June 28, 2010 with tracking number 7936 7293 6751. According to the label on the returned Federal Express package, attempted deliveries indicate that Peter Horner moved. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.
2. Applicants' Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on information and belief, the employee records do not include a current address and have the last known address for Peter Horner of 99 Battery Pl., New York, NY 10280. Based on information and belief, there is no information regarding a living relative in the employee records for Peter Horner. Furthermore, based on information and belief, there is no other information in the employee records that would provide any helpful information to locate Peter Horner. Furthermore, based on information and belief, Peter Horner was employed by a predecessor software company, Click-N-Things, to develop software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate Peter Horner.
3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the

website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate Peter Horner.

4. Specifically, the Peoplesmart web search provided a list of 228 “hits” for the search term “Peter Horner” in U.S. All of the 228 hits were reviewed and none of the information provided for any of the hits provided any additional information that would help locate Peter Horner. Thus, review of the search results from the Peoplesmart website did not provide any useful information that would help locate Peter Horner.

5. Specifically, the Whitepages.com web search provided a list of 38 “hits” for the search term “Peter Horner”. All of the 38 hits were reviewed and none of the information provided any additional information that would help locate Peter Horner.

Information evidencing the Federal Express attempt was provided in the Petition filed on October 1, 2010. The Internet search results are attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Mark UNDERWOOD, whose last known address was 427 E. 82nd Street Apt 7B, New York, NY 10028, whose citizenship is Australia.

Specifically, the effort to contact Mr. UNDERWOOD included:

1. A declaration and copy of the patent application as filed had been sent to Mark UNDERWOOD by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 28, 2010 with tracking number 7936 7295 8366.

According to the label on the returned Federal Express package, three attempted

deliveries to Mark Underwood's last known address were made. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.

2. Applicants' Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on information and belief, the employee records do not include a current address and have the last known address for Mark Underwood of 427 E. 82nd Street Apt 7B, New York, NY 10028. Based on information and belief, there is no information regarding a living relative in the employee records. (His brother, John Underwood, who is also a co-inventor, is not able to be located, as described herein.) Furthermore, based on information and belief, there is no other information in the employee records that would provide any helpful information to locate Mr. Mark Underwood. Furthermore, based on information and belief, Mark Underwood was employed by a predecessor software company, Click-N-Things, to develop software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate Mark Underwood.

3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate Mark Underwood.

4. Specifically, the Peoplesmart web search provided a list of 626 "hits" for the search term "Mark Underwood" in U.S. All of the 626 hits were reviewed and

none of the information provided for any of the hits provided any additional information that would help locate Mark Underwood. Thus, review of the search results from the Peoplesmart website did not provide any useful information that would help locate Mark Underwood.

5. Specifically, the Whitepages.com web search provided a list of over 100 "hits" for the search term "Mark Underwood". The first 100 hits were reviewed and none of the information provided for any of the hits provided any additional information that would help locate Mark Underwood

Information evidencing the Federal Express attempt was provided in the Petition filed on October 1, 2010. The Internet search results are attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Paul NEILSON, whose last known address was 75 West Street Apt 8L, New York, NY 10006, whose citizenship is Australia.

Specifically, the effort to contact Mr. NEILSON included:

1. A declaration and copy of the patent application as filed had been sent to Paul NEILSON by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 28, 2010 with tracking number 7936 7285 8720. According to the label on the returned Federal Express package Paul Neilson has moved and there no forwarding address has been provided. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.
2. Applicants' Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on information and belief, the employee records do not include a current address and have the last know address for Paul Neilson of 75 West Street Apt 8L, New York, NY 10006. Based on information and belief, there is no information regarding a living relative in the employee records for Paul Neilson. Furthermore,

based on information and belief, there is no other information in the employee records that would provide any helpful information to locate Mr. Paul Neilson. Furthermore, based on information and belief, Paul Neilson was employed by a predecessor software company, Click-N-Things, to develop software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate Paul Neilson.

3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate Paul Neilson.

4. Specifically, the Peoplesmart web search provided a list of 462 “hits” for the search term “Paul Neilson” in the U.S. All of the 462 hits were reviewed and none of the information provided any additional information that would help locate Paul Neilson. Thus, review of the search results from the Peoplesmart website did not provide any useful information that would help locate Paul Neilson.

5. Specifically, the Whitepages.com web search provided a list of 59 “hits” for the search term “Paul Neilson”. All of the 59 hits were reviewed and none of the information provided for any of the hits provided any additional information that would help locate Paul Neilson.

Information evidencing the Federal Express attempt was provided in the Petition filed on October 1, 2010. The Internet search results are attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Darren SLANEY, whose last known address was 525 East 72nd Street Apt 7B, New York, NY 10021, whose citizenship is Australia.

Specifically, the effort to contact Mr. SLANEY included:

1. A declaration and copy of the patent application as filed had been sent to Darren SLANEY by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 25, 2010 with tracking number 7936 7298 9696. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.
2. Applicants' Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on information and belief, the employee records do not include a current address and have the last known address for Darren Slaney of 525 East 72nd Street Apt 7B, New York, NY 10021. Based on information and belief, there is no information regarding a living relative in the employee records for Darren Slaney. Furthermore, based on information and belief, there is no other information in the employee records that would provide any helpful information to locate Mr. Darren Slaney. Furthermore, based on information and belief, Darren Slaney was employed by a predecessor software company, Click-N-Things, to develop software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate Darren Slaney.

3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate Darren Slaney.

4. Specifically, the Peoplesmart web search provided a list of 55 “hits” for the search term “Darren Slaney” in the U.S. All of the 55 hits were reviewed and none of the information provided for any of the hits provided any additional information that would help locate Darren Slaney. Thus, review of the search results from the Peoplesmart website did not provide any useful information that would help locate Darren Slaney.

5. Specifically, the Whitepages.com web search provided a list of 12 “hits” for the search term “Darrcn Slaney”. All of the 12 hits were reviewed and none of the information provided for any of the hits provided any additional information that would help locate Darren Slaney.

Information evidencing the Federal Express attempt was provided in the Petition filed on October 1, 2010. The Internet search results are attached hereto.

Applicants have been unable to secure an executed Declaration from inventor David SHING, whose last known address was 279 East 44th Street Apt 9N, New York, NY 10017, whose citizenship is Australia.

Specifically, the effort to contact Mr. SHING included:

1. A declaration and copy of the patent application as filed had been sent to David SHING by Frommer Lawrence & Haug LLP via Federal Express first

overnight on June 25, 2010 with tracking number 7936 7291 6289. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.

2. Applicants' Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on information and belief, the employee records do not include a current address and have the last know address for David Shing of 279 East 44th Street Apt 9N, New York, NY 10017. Based on information and belief, there is no information regarding a living relative in the employee records. Furthermore, based on information and belief, there is no other information in the employee records that would provide any helpful information to locate Mr. David Shing. Furthermore, based on information and belief, David Shing was employed by a predecessor software company, Click-N-Things, to develop software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate David Shing.

3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate David Shing.

4. Specifically, the Peoplesmart web search provided a list of 51 "hits" for the search term "David Shing" in the U.S. All of the 51 hits were reviewed and none

of the information provided any additional information that would help locate David Shing. Thus, review of the search results from the Peoplesmart website did not provide any useful information that would help locate David Shing.

5. Specifically, the Whitepages.com web search provided a list of 5 “hits” for the search term “David Shing”. All of the 5 hits were reviewed. The first hit identified David Shing as Vice President of Decentrix in Denver Colorado. The present assignee of the patent application is Decentrix, Inc. and David Shing is no longer employed by Decentrix Inc. Thus, this data is not current. None of the information provided for any of the other four hits provided any additional information that would help locate David Shing.

Information evidencing the Federal Express attempt was provided in the Petition filed on October 1, 2010. The Internet search results are attached hereto.

Applicants have been unable to secure an executed Declaration from inventor Hanson CHAR, whose last known address was 40 West 55th Street Apt 7B, New York, NY 10019, whose citizenship is Australia.

Specifically, the effort to contact Mr. CHAR included:

1. A declaration and copy of the patent application as filed had been sent to Hanson CHAR by Frommer Lawrence & Haug LLP via Federal Express first overnight on June 28, 2010 with tracking number 7987 9554 2556. According to the label on the returned Federal Express package, Hanson Char moved and there was no forwarding address. The undelivered Federal Express package was returned to Frommer Lawrence & Haug LLP.
2. Applicants’ Attorney requested employee records and information from Mr. Wayne Ruting, president of Decentrix Inc., on March 8, 2011. Based on information and belief, the employee records do not include a current address and

have the last know address for Hanson Char of 40 West 55th Street Apt 7B, New York, NY 10019. Based on information and belief, there is no information regarding a living relative in the employee records for Hanson Char. Furthermore, based on information and belief, there is no other information in the employee records that would provide any helpful information to locate Mr. Hanson Char. Furthermore, based on information and belief, Hanson Char was employed by a predecessor software company, Click-N-Things, to develop software. Click-N-Things dissolved and Decentrix, Inc. (the successor company to Click-N-Things) was assigned the rights to the patent application. Based on information and belief, there is no additional information in the Click-N-Things employee records that would help locate Hanson Char.

3. Internet searches were performed for this person. Specifically, searches using the website Peoplesmart.com (<http://www.peoplesmart.com>) and the website Whitepages.com (<http://www.whitepages.com>) were performed. The results of the Peoplesmart.com and Whitepages.com searches are attached herewith. Review of the search results from the Peoplesmart website and the Whitepages.com did not provide any useful information that would help locate Hanson Char.

4. Specifically, the Peoplesmart web search provided a single “hit” for the search term “Hanson Char” in the U.S. The information provided by the Peoplesmart search did not provide any additional information that would help locate Hanson Char.

5. Specifically, the Whitepages.com web search did not result in any matches. The sponsored links that the Whitepages.com provided were reviewed, but none of the 8 sponsored link results provided any additional information that would help locate Hanson Char.

Information evidencing the Federal Express attempt was provided in the Petition filed on October 1, 2010. The Internet search results are attached hereto.

Consequently, Applicant hereby petitions the Commissioner to accord this application status under 37 CFR 1.47 in a written decision on the petition.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

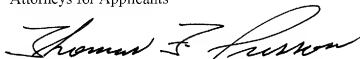
REMARKS AND CONCLUSION

This paper serves as a Petition under 37 C.F.R. 1.47(a) to consider this application as being filed on behalf of John UNDERWOOD, Paul NEILSON, Hanson CHAR, David SHING, Peter HORNER, Mark UNDERWOOD, Darren SLANEY, and Andrew DEAN by the joint inventor Gary EVESSON, such that the requirement set forth in the Notice to provide an executed declaration is hereby fulfilled.

It is respectfully submitted that the application now complies with all requirements set forth in the Notice. The Commissioner is hereby authorized to charge any additionally required fees or credit any overpayment in fees occasioned by this paper to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants



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Attachments:

1. Print-outs showing results of searches using www.whitepages.com and www.peoplesmart.com websites for 8 unavailable co-inventors.